

Senate File 2012 - Introduced

SENATE FILE 2012

BY HANCOCK and WILHELM

A BILL FOR

1 An Act authorizing the imposition of certain charges for fire
2 protection and emergency medical services.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.385, subsection 5, paragraph a, Code
2 2011, is amended to read as follows:

3 a. Notwithstanding subsection 1, if as of July 1, 2006, a
4 township has in force an agreement entered into pursuant to
5 chapter 28E for a city or another township to provide fire
6 protection service or fire protection service and emergency
7 medical service for the township, or if a township is otherwise
8 contracting with a city or another township for provision to
9 the township of fire protection service or fire protection
10 service and emergency medical service, the county board of
11 supervisors shall, for the fiscal year beginning July 1, 2007,
12 and subsequent fiscal years, negotiate for and enter into an
13 agreement pursuant to chapter 28E providing for continued fire
14 protection service, or fire protection service and emergency
15 medical service, to the township, and shall certify taxes
16 for levy in the township or impose service charges, or both,
17 pursuant to section 331.424C, in amounts sufficient to meet the
18 financial obligations pertaining to the agreement.

19 Sec. 2. Section 331.424C, Code 2011, is amended to read as
20 follows:

21 **331.424C Emergency services fund.**

22 A county that is providing fire protection service or
23 emergency medical service to a township pursuant to section
24 331.385 shall establish an emergency services fund and may
25 certify taxes for levy in the township or may impose service
26 charges for such services, or both. The taxes levied or
27 charges imposed shall not to exceed the amounts authorized in
28 section 359.43. The county has the authority to use a portion
29 of the taxes levied or charges imposed and deposited in the
30 fund for the purpose of accumulating moneys to carry out the
31 purposes of section 359.43, subsection 4.

32 Sec. 3. Section 357J.17, Code 2011, is amended to read as
33 follows:

34 **357J.17 Transition — township tax and service charges**
35 **discontinued.**

1 When the boundary lines of the district include all or a
2 portion of a township and the district has certified a tax levy
3 within the township for the purpose of fire protection service
4 and emergency medical service, the township trustees shall no
5 longer levy the tax or impose the service charges provided
6 by section 359.43 in that portion of the township provided
7 services by the district. Any indebtedness incurred for the
8 purposes of sections 359.42 through 359.45 for a service now
9 provided by the district shall be assumed by the district.
10 Such township shall not be responsible for providing fire
11 protection service and emergency medical service as provided
12 in section 359.42 for the portion of the township within the
13 district, and shall have no liability for the method, manner,
14 or means by which the district provides the fire protection
15 service and emergency medical service.

16 Sec. 4. Section 359.43, Code 2011, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 6. *a.* In addition to or in lieu of the
19 property tax levies authorized in this section, the trustees
20 may authorize the collection of any of the following:

21 (1) A service charge for fire protection service from the
22 property owner where the fire protection service was provided.

23 (2) A service charge for emergency medical service from the
24 recipient of the emergency medical service or from the parent
25 of the recipient if the recipient is a minor. For purposes
26 of this subsection, "*minor*" means an individual who is under
27 eighteen years of age and is not considered by law to be an
28 adult, and "*parent*" means one biological or adoptive parent, a
29 stepparent, or a legal guardian or custodian of the minor.

30 *b.* A service charge collected under this section for fire
31 protection service or emergency medical service shall not
32 exceed an amount equal to the actual expense incurred by the
33 township to provide the service.

34 *c.* The state fire service and emergency response council
35 established in section 100B.1 shall develop guidelines for

1 townships to follow when authorizing the collection of service
2 charges for fire protection service or emergency medical
3 service.

4 *d.* If the trustees contract with a public or private agency
5 under chapter 28E for the purpose of providing fire protection
6 service or emergency medical service, the public or private
7 agency may collect the service charges authorized under this
8 subsection if the types and amounts of such service charges are
9 specified in the chapter 28E agreement.

10 *e.* (1) If a service charge for fire protection service
11 imposed under this subsection remains unpaid six months
12 after the property owner was notified of the service charge,
13 the unpaid amount shall constitute a lien upon the property
14 where such service was provided. The lien shall have equal
15 precedence with ordinary taxes, may be certified to the county
16 treasurer and collected in the same manner as ordinary taxes,
17 and is not divested by a judicial sale.

18 (2) If a service charge for emergency medical service
19 imposed under this subsection remains unpaid six months after
20 the recipient of the service, or the parent of the recipient if
21 the recipient is a minor, was notified of the service charge,
22 the trustees may bring a civil action in order to collect the
23 amount due. The civil action may be heard by the district
24 court sitting in small claims as provided in chapter 631 unless
25 the amount due exceeds the jurisdictional amount for small
26 claims set forth in section 631.1.

27 Sec. 5. Section 359.45, Code 2011, is amended to read as
28 follows:

29 **359.45 Anticipatory bonds.**

30 Townships may anticipate the collection of taxes or service
31 charges authorized by section 359.43 and for such purposes
32 may direct the county board of supervisors to issue bonds
33 under sections 331.441 to 331.449 relating to essential county
34 purpose bonds except that the bonds are payable only from tax
35 levies on property subject to the levy under section 359.43 or

1 from service charges collected under section 359.43.

2 EXPLANATION

3 Current Code section 359.43 authorizes townships to levy
4 property taxes for providing fire protection service and
5 emergency medical service. This bill authorizes townships to
6 collect a service charge for providing fire protection service
7 or emergency medical service, in addition to or in lieu of such
8 property taxes.

9 The bill provides that a service charge for fire protection
10 service is charged to the property owner where such service
11 was provided and that a service charge for emergency medical
12 service is charged to the recipient of the emergency medical
13 service or to the parent of the recipient if the recipient is a
14 minor. The bill prohibits the township from imposing a service
15 charge that exceeds an amount equal to the actual expense
16 incurred by the township to provide the service. The bill also
17 directs the state fire service and emergency response council
18 to develop guidelines for townships to follow when authorizing
19 the collection of service charges for fire protection service
20 or emergency medical service.

21 If a township contracts with a public or private agency under
22 Code chapter 28E for the purpose of providing fire protection
23 service or emergency medical service, the public or private
24 agency may collect the service charges authorized in the bill
25 if the types and amounts of such service charges are specified
26 in the Code chapter 28E agreement.

27 The bill provides that if a service charge for fire
28 protection service remains unpaid six months after the property
29 owner was notified of the service charge, the unpaid amount
30 constitutes a lien upon the property where such service was
31 provided and may be collected in the same manner as ordinary
32 taxes. The bill also provides that if a service charge for
33 emergency medical service remains unpaid six months after the
34 recipient of the service or the parent of the recipient, if
35 applicable, was notified of the service charge, the trustees

1 may bring a civil action in order to collect the amount due.

2 The bill includes the fire protection and emergency medical
3 service charges authorized in the bill among the revenues under
4 which the township may direct the issuance of anticipatory
5 revenue bonds.

6 For a county that is providing fire protection service
7 or emergency medical service to a township pursuant to Code
8 section 331.385, the bill allows that county to impose the
9 service charges that the bill authorizes for townships.